

REMARKS

Claims 22, 25-27, 30, 33, 50 and 56-84 remain pending in the present application. Claims 23, 24, 27, 28, 29, 31, 32, 34-49 and 51-55 have been amended. Claims 56-84 are new. Basis for the amendments and new claims can be found throughout the specification, claims and drawings originally filed.

REJECTION UNDER 35 U.S.C. § 112

Claims 25 and 26 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 25 has been amended to overcome the rejection. Reconsideration of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102

Claim 22 is rejected under 35 U.S.C. § 102(b) as being anticipated by Cho, et al. (U.S. Pat. No. 6,651,451 B2). Applicants respectfully traverse this rejection. Claim 22 has been amended to define the first evaporator having a refrigerant inflow side connected to a refrigerant outflow side of the ejector. As illustrated in Cho, et al., the outlet of the vortex generator 52 which the Examiner has defined as an ejector is connected to the compressor 12.

Thus, Applicants believe Claim 22, as amended, patentably distinguishes over the art of record. Reconsideration of the rejection is respectfully requested.

Claim 22, 25, 26, 27, 30 and 33 are rejected under 35 U.S.C. § 102(e) as being anticipated by Oshitani, et al. (U.S. 2005/0178150 A1). Claim 50 is rejected under 35

U.S.C. § 103(a) as being unpatentable over Oshitani as applied to Claim 22 above, and further in view of Honda, et al. (U.S. 2003/0167793 A1). Applicants respectfully traverse this rejection. Oshitani, et al. has a publication date of August 18, 2005. The present application is a 371 filing for PCT/2005/017447 filed September 22, 2005 which claimed priority to Japanese application JP 2004-275152 filed September 22, 2004 and which designated the U.S. Enclosed is a translation of the JP 2004-275152 priority document which perfects the claim of priority to September 22, 2004. This perfected priority date is prior to the publication of the Oshitani, et al. reference and removes Oshitani, et al. as a prior art reference. Reconsideration of the rejection is respectfully requested.

NEW CLAIMS

New Claims 56-84 are believed to read upon the elected invention. Claims 56 and 57 depend from Claim 1 and further define the throttling means. Claim 58 depends from Claim 1 and further defines the connection between the evaporator and the compressor.

New Claim 59 is an independent claim which further defines the relationship of the components device. Claims 60-67 are similar to Claims 25-27, 30, 33, 50, 56 and 57, respectively.

New Claim 68 is an independent claim which further defines the throttle means. Claims 69-75 are similar to Claims 25-27, 30, 33, 50 and 57, respectively.

New Claim 76 is an independent claim which further defines the connection between the evaporator and the compressor. Claims 77-84 are similar to Claims 25-27, 30, 33, 50, 56 and 57, respectively.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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